

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gustavo Alberto ABURTO-Laurel,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF: *VNH*


Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

FILED  
2008 FEB 03 09  
AM 10:51  
U.S. DISTRICT COURT OF CALIFORNIA  
DEPUTY

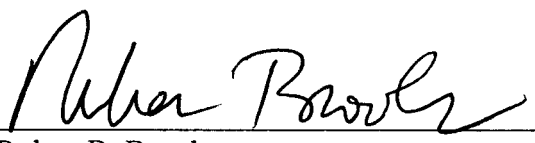
The undersigned complainant, being duly sworn, states:

On or about **February 2, 2008** within the Southern District of California, defendant, **Gustavo Alberto ABURTO-Laurel**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4<sup>th</sup> DAY OF FEBRUARY 2008

  
\_\_\_\_\_  
Ruben B. Brooks  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Gustavo Alberto ABURTO-Laurel**

**PROBABLE CAUSE STATEMENT**

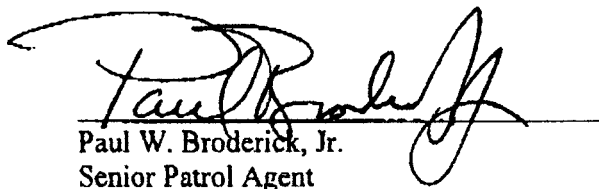
I declare under the penalty of perjury that the following statement is true and correct:

On February 02, 2008, Senior Patrol Agent A. H. Herrera-Martin was performing line-watch duties in an area known as "Echo 1". At approximately 2:00 A.M. Remote Video Surveillance System (RVSS) broadcast via Service radio that there were four individuals jumping over the International Boundary primary fence in an area known as "Echo-3". RVSS then advised that this group was climbing over the secondary border fence and running up the nearby hill. Echo-3 is an area comprised of uninhabited canyons and slopes with brushy terrain located approximately one mile east of the San Ysidro, California Port of Entry and approximately 200 yards north of the International Boundary.

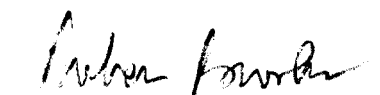
U.S. Customs and Border Protection Air Support assisted Agent Herrera-Martin in locating the four individuals, as they were attempting to conceal themselves by lying face down near some brush. Agent Herrera-Martin identified herself as a United States Border Patrol Agent and conducted a field immigration inspection on the individuals. All of the individuals, including one later identified as the defendant **Gustavo Alberto ABURTO-Laurel**, freely admitted to being citizens and nationals of Mexico illegally present in the United States. They all further admitted they did not have immigration documents to enter or remain in the United States lawfully. The four individuals, including the defendant, were arrested and transported to the Imperial Beach Border Patrol station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 30, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on February 3, 2008 at 9:00 A.M.

  
 Paul W. Broderick, Jr.  
 Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on February 2, 2008 in violation of Title 8, United States Code, Section 1326.

  
 Ruben B. Brooks  
 United States Magistrate Judge

2/3/2008 at 9:45 a.m.  
 Date/Time